



VINSON & ELKINS L.L.P.  
2300 FIRST CITY TOWER  
1001 FANNIN STREET  
HOUSTON, TEXAS 77002-6760  
TELEPHONE (713) 758-2222  
FAX (713) 758-2246  
www.velaw.com

Randall C. Furlong  
Direct Dial 713-758-4802  
Direct Fax 713-615-5114  
rfurlong@velaw.com

## FACSIMILE TRANSMITTAL PAGE

DATE: July 26, 2002

TO: Philip C. Tucker FAX: 703-872-9311

COMPANY: United States Patent & Trademark Office PHONE: 703-308-0529

PAGES: 2<sup>1/2</sup> (including this transmittal page) CLIENT/MATTER: ECO530/36000

FROM: Randall C. Furlong

MESSAGE:

RE: U.S. S/N 09/501,559

FAX  
JUL 26 2002  
GROUP 1700

Hard Copy Follows: ☐ Yes ☒ No

### CONFIDENTIALITY NOTICE:

The information contained in this FAX may be confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231Attorney Docket No.  
of Prior Application

ECO530/ 4-2

First Named Inventor

Chowdhary, et al.

Examiner Name

P. Tucker

Group Art Unit

1712

Express Mail Label No.

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d).

(continued prosecution application (CPA)) of prior application number 09 / 501,559

filed on 02/09/2000, entitled IMPROVED HYDRATION OF GUAR GUM POWDER

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14866 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**CIP NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEE OR COMPLETE FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (i))	53	-20* =	33	x \$9.00 =	\$ 297.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (j))	7	-3** =	4	x \$42.00 =	168.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$	0.00
				BASIC FEE (37 CFR 1.16)	370.00
				Total of above Calculations =	835.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	835.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 22 - 0365.a. ☐ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☐ Fees required under 37 CFR 1.18.8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_

(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☐ Return Receipt Postcard (Should be specifically itemized. See MPEP 503)13. ☐ Other: \_\_\_\_\_**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

22892

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

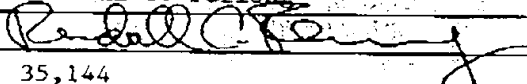
Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)

Randall C. Furlong

Signature



Registration No. (Attorney/Agent)

35,144

Date

July 26, 2002

PTO/SB/29A (08-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

If this RECEIPT is included with a request for a CPA filed by facsimile transmission, it will be date stamped and mailed to the ADDRESS in item 1.

**1. ADDRESS**

Applicant's Mailing Address for this receipt must be  
CLEARLY PRINTED or TYPED in the box below.

Randall C. Furlong  
Vinson & Elkins, L.L.P.  
2300 First City Tower  
1001 Fannin Street  
Houston, Texas 77002-6760

**NOTE:** By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the USPTO and (b) verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.

**2. APPLICATION IDENTIFICATION:**

(Provide at least enough information to identify the application)

**a. For prior application**

Application No.: 09/501,559  
Filing Date: 02/09/2000  
Title: IMPROVED HYDRATION OF GUAR GUM POWDER  
Attorney Docket No.: EC0530/4-2  
First Named Inventor: Chowdhary, et al.

**b. For instant CPA application**

New Attorney Docket No.:  
(If applicable)

The USPTO date stamp, which appears in the box to the right, is an acknowledgement by the USPTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.

(THIS AREA FOR PTO DATE STAMP USE)

**USPTO HANDLING INSTRUCTIONS:**

Please stamp area to the right with the date the complete transmission of the request for a CPA was received in the USPTO and also include the USPTO organization name that provided the date stamp (stamp may include both items). Verify that the application number provided by applicant on this receipt is the same as the application number provided by applicant on the request for a CPA accompanying this receipt. If there is an inconsistency between the application number provided on this receipt and the request for a CPA, strike through the inconsistent application number provided on this receipt and insert the correct application number, if possible. Then place in a window envelope and mail.

Border Note: **Warning:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PTO/SB/97 (08-00)

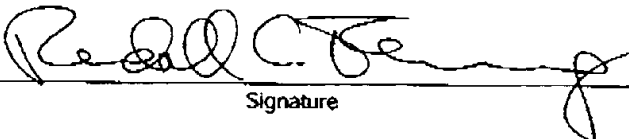
Approved for use through 10/31/2002. OMB 0651-0037

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office

on July 26, 2002  
Date

  
Signature

Randall C. Furlong Reg. No. 35,144

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify  
each submitted paper.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case.  
Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark  
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,  
Washington, DC 20231.

B/#1C  
01/34/2  
A

Docket No. ECO530/4-2

1

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

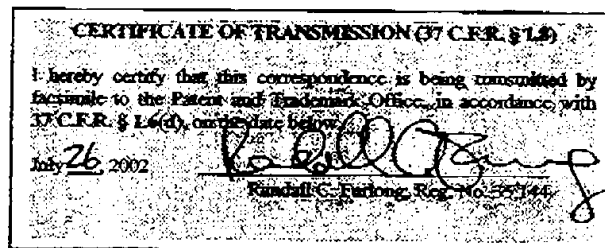
In re Continued Prosecution Application: Chowdhary, et al.  
Serial No.: 09/501,559  
Filed: February 9, 2000  
Art Unit: 1712  
Examiner: P. Tucker  
For: IMPROVED HYDRATION OF GUAR GUM POWDER

JUL 26 2002  
G. C. VINSON

Box CPA

Commissioner for Patents

Washington, D.C. 20231



PRELIMINARY AMENDMENT; RESPONSE TO  
FINAL OFFICE ACTION MAILED APRIL 29, 2002

Dear Sir:

In view of the Examiner's objections and rejections in the Final Office Action of April 29, 2002 in the parent application (the "Office Action"), please amend the Continued Prosecution Application (CPA), whose request therefor is transmitted herewith, as follows:

IN THE CLAIMS

Claim 2 has been preliminarily amended as follows:

2. (Amended) A method of manufacturing a powder having improved hydration characteristics, the method comprising the steps of:

936243\_1.DOC

09501559

22015

-881- WFN 00000001 22015

370.00 CH  
297.00 CH  
168.00 CH